IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M.H.S. ANSARI

AND
THE HON'BLE SRI JUSTICE T.Ch. SURYA RAO

WRIT PETITION No.1061 of 2005

Between:

V. Ravi Prakash Reddy, S/o. V. Rami Reddy,
R/o. Krishnadevaraya Nagar, Yellareddyguda, Hyderabad.

..... PETITIONER

AND

1.The Secretary-cum-Registering Authority, Central Zone, Hyderabad.
2.The Motor Vehicle Inspector, Flying Squad, Kurnool.
3.The Deputy Transport Commissioner, Regional Transport Authority, Kurnool.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue Writ of Mandamus declaring the action of the respondents in not releasing and in seizing and detaining the vehicle bearing No. AP-09/AG 1379 under Check Report No. 0308475 dt.16-08-2004 as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle.

Counsel for the Petitioner: Mr.K.MADHAVA REDDY

Counsel for the Respondents : G.P. FOR TRANSPORT

The Court at the admission stage made the following :

ORAL ORDER: (per Sri Justice M.H.S.Ansari)

Having heard the learned counsel for the respective parties, we are inclined to dispose of the instant writ petition with certain appropriate directions.

The vehicle in question being AP-09/AG 1379 was detained for certain alleged violations of the provisions of the Motor Vehicles Act and Motor Vehicles Taxation Act. It does not appear that any representation was made to the competent authority for release of the vehicle. The only representation dated 7-10-2004 appearing at page 11 is with respect to giving permission to go to High Court. We also find that it was not clear from the pleadings as to whether any show cause notice has been issued pursuant to the vehicle check report. In the circumstances, the instant writ petition is being disposed of with directions as under:

If the petitioner makes an appropriate application to respondent No.1 for interim custody of the vehicle, the same shall be disposed of expeditiously and preferably within one week from the date of receipt of such application by the petitioner.

The writ petition accordingly stands disposed of.

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(M.H.S.ANSARI, J.)

7th February 2005

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(T.Ch.SURYA RAO, J.)

Note: Issue cc on priority basis.

ARS

To

1.The Secretary-cum-Registering Authority, Central Zone, Hyderabad.
2.The Motor Vehicle Inspector, Flying Squad, Kurnool.
3.The Deputy Transport Commissioner, Regional Transport Authority, Kurnool

4. Two CCs to Govt. Pleader for Transport, High Court Bldgs., Hyderabad (OUT).

5. Two CD copies.